

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN UNDERWOOD,

Defendant.

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ORDER

08-cr-49-bbc

On August 17, 2009, defendant Brian Underwood filed a motion to reconsider the order entered in this case on August 6, 2009, denying his motion for a copy of the grand jury log. I construe defendant's motion as a timely motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59. Nothing in defendant's motion convinces me that it was a mistake to deny his motion without prejudice pending an explanation from defendant as to what aspect of his conviction he wishes to challenge in a post conviction motion, exactly what grand jury information he is seeking, and how that information is necessary to decide the issue. Until that information is provided to the court, it cannot determine whether defendant's reasons are adequate to breach the secrecy presumption of the grand jury.

ORDER

Defendant Brian Underwood's motion pursuant to Fed. R. Civ. P. 59 to alter or amend the judgment herein on August 6, 2009, is DENIED.

Entered this 19th day of August, 2009.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge